

APA-4  
11/96

CERTIFICATION OF EMERGENCY RULES  
FILED WITH LEGISLATIVE REFERENCE SERVICE  
OTHNI LATHRAM, INTERIM DIRECTOR

Pursuant to Code of Alabama 1975, §§41-22-5(b) and  
41-22-6(c) (2)a. and b.

I certify that the attached emergency (amendment, new rule, new  
chapter, repeal or adoption by reference) is a correct copy as  
promulgated and adopted on the 29<sup>th</sup> day of February, 2016.

AGENCY NAME: Secretary of State

RULE NO. AND TITLE: 820-2-10-.21ER Eligibility to Return an  
Absentee Ballot by Electronic Transmission

EFFECTIVE DATE OF RULE: February 29, 2016.

EXPIRATION DATE (If less than 120 days): \_\_\_\_\_

NATURE OF EMERGENCY: These emergency rules are necessary to  
implement secure electronic return of voted UOCAVA ballots by  
eligible UOCAVA voters.

STATUTORY AUTHORITY: Code of Alabama 1975, sections 17-11-40 et  
seq.

SUBJECT OF RULE TO BE ADOPTED ON PERMANENT BASIS X YES    NO

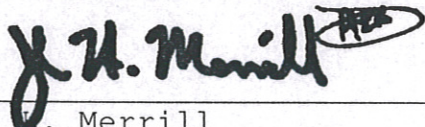
NAME, ADDRESS, AND TELEPHONE NUMBER OF PERSON TO CONTACT FOR  
COPY OF RULE:

REC'D & FILED

FEB 29 2016

LEGISLATIVE REF SERVICE

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\_\_\_\_\_  
John H. Merrill  
Secretary of State

FILING DATE (For APA Use Only)

STATE OF ALABAMA  
OFFICE OF THE SECRETARY OF STATE  
ADMINISTRATIVE CODE

CHAPTER 820-2-10  
PROCEDURES FOR THE SECURE ELECTRONIC RETURN OF VOTED UOCAVA  
BALLOTS

**820-2-10-.21ER Eligibility to Return an Absentee Ballot by  
Electronic Transmission**

1) Only the following voters who are registered to vote in a county which has chosen to participate in electronic ballot return are eligible to return an absentee ballot by electronic transmission:

a) A member of the uniformed services while in the active service, or an eligible spouse or dependent of such a member, who is a permanent resident of the state and is temporarily residing outside of the territorial limits of the United States and the District of Columbia, who is qualified and registered to vote as provided by law.

b) A member of the Merchant Marine of the United States, or an eligible spouse or dependent of such a member, who is a permanent resident of the state and is temporarily residing outside of the territorial limits of the United States and the District of Columbia, who is qualified and registered to vote as provided by law.

c) Any other citizen of the United States who is a permanent resident of the state and is temporarily residing outside of the territorial limits of the United States and the District of Columbia, who is qualified and registered to vote as provided by law.

2) The absentee election manager shall determine the eligibility of the absentee voter to return the absentee ballot by electronic transmission by evaluating the absentee ballot application submitted by said voter.

3) If a voter requests to receive the absentee ballot by electronic transmission but the absentee ballot application does not provide sufficient information to determine the voter's eligibility to return an absentee ballot by electronic transmission:

a) the absentee election manager shall attempt to contact the voter and obtain supplemental information to determine the voter's eligibility to receive and return the absentee ballot by electronic transmission.

b) Any supplemental information obtained by the absentee election manager shall be documented and kept with the original absentee ballot application.

c) If the absentee election manager is unable to contact the voter to obtain supplemental information to determine eligibility and the only eligibility requirement that is in question relates to whether the voter is residing outside of the territorial limits of the United States and the District of Columbia, the absentee election manager shall consider the application prima facie evidence that the voter is eligible to return the absentee ballot by electronic transmission and shall document said determination.

4) If a voter requests to return the absentee ballot by electronic transmission but the information available to the absentee election manager, either on the absentee ballot application or as provided by the voter as supplemental information, establishes that the voter is not residing outside of the territorial limits of the United States and the District of Columbia, the absentee election manager shall not permit the voter to return the ballot by electronic transmission.

**Author:** Edward Packard; Jean Brown

**Statutory Authority:** Code of Ala. 1975, §§17-11-40 et seq.

**History:** Filed February 29, 2016; Effective February 29, 2016